

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NIGEL MACAYA BROADUS,)	
)	Civil Action No. 19-266
Petitioner,)	
)	Related to: Crim. Action No. 17-282
v.)	
)	Judge Cathy Bissoon
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Petitioner having not timely responded to the Court’s *Miller* Notice (Doc. 58), his Petition will be considered “as filed.” *See id.* As to the merits, for the reasons stated by the government in opposition (Docs. 53 & 56), which are incorporated by reference herein, the Petition will be denied.

Petitioner claims that his counsel was ineffective for failing to challenge a vehicle-stop, on April 25, 2017, for lack of reasonable suspicion. As the government highlights, Petitioner pleaded guilty to offenses well-predating the traffic stop, and the sentence imposed would – in all likelihood – have remained within Guideline-range even had the traffic stop not occurred. *See* Doc. 53 at 1-2 (noting that the parties agreed on a below-Guideline range sentence, pursuant to Criminal Rule 11(c)(1)(C), which was accepted by the Court). More importantly, Petitioner has failed to show that his putative suppression-challenge is meritorious; or that, but-for his counsel’s alleged error, he would not have pleaded guilty. U.S. v. Petrusky, 2017 WL 9478459, *4 (E.D. Pa. Sept. 27, 2017) (citing and quoting binding legal authority).

None of Petitioner's arguments on the merits are convincing,¹ and the Petition (**Doc. 50**) is **DENIED**.² No certificate of appealability will issue because jurists of reason would not find the Court's conclusions debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS SO ORDERED.

August 27, 2019

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

Nigel Macaya Broadus
USMS 38663-068
Allenwood U.S. Penitentiary
Inmate Mail/Parcels
P.O. Box 3000
White Deer, PA 17887

cc (via ECF email notification):

All Counsel of Record

¹ The government's timeliness objection, as relates to the new arguments advanced in Petitioner's filing at Doc. 54, is well taken. *See* Doc. 56 at 2-3. The arguments also fail on the merits for the reasons explained by the government. *See id.* at 3-5.

² An evidentiary hearing is unnecessary because the filings of record show that Petitioner is not entitled to relief.